

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7314

BILL NUMBER: HB 1379

NOTE PREPARED: Feb 14, 2003

BILL AMENDED: Feb 13, 2003

SUBJECT: Smoking on School Buses.

FIRST AUTHOR: Rep. Bischoff

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill prohibits smoking in certain motor vehicles used as public conveyances if individuals who are less than 18 years of age are present in the motor vehicles. It makes it a Class C infraction instead of a Class B infraction for a person to smoke in an area where smoking is prohibited. The bill makes the violation a Class B infraction instead of a Class A infraction if the person has at least three previous unrelated judgments within 12 months immediately proceeding a fourth violation.

Effective Date: July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) Under current law, it is a Class B infraction to smoke in certain prohibited areas such as the retail area of a grocery or drug store or the designated nonsmoking area of a restaurant. The bill would add certain motor vehicles used as public conveyances if individuals who are less than 18 years of age are present in the motor vehicles to the prohibited areas and changes the penalty to a Class C infraction. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class C infraction is \$500, the maximum judgement for a Class B infraction is \$1,000, which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies. Trial courts, local law enforcement agencies.

Information Sources:

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